

PLANNING COMMISSION MINUTES OF AUGUST 14, 2006

2005-0106 – The Ridgecrest Group [Applicant] **Omid Shakeri** [Owner]: Application for related proposals on a 29,250 square foot site located at **574 Bobolink Circle** (near Bobwhite Avenue) in an R-0/S (Low-Density Residential/Single Story Combining District) Zoning District. (Negative Declaration) (APN: 309-02-034) AM;

- **Rezone** from R-0/S (Low-Density Residential/Single Story Combining District) to R-0/PD/S (Low-Density Residential/Planned Development/Single Story Combining District),
- **Special Development Permit** to construct 4 single-family homes and,
- **Parcel Map** to subdivide one lot into four lots.

Comm. Rowe recused herself as she lives within 500 feet of the proposed development.

Andy Miner, Principal Planner, presented the staff report. He said, at the request of neighbors that the Commissioners have been provided with a copy of the petition submitted to Planning Commission in July 2005 with 98 signatures listing the neighbors' concerns about the development including impact on traffic and the opposition to the proposed number of homes. He also submitted several color boards on the dais for the Commissioners to review. Mr. Miner said that since July 2005, the applicant has made several changes to the plans and staff is now recommending approval of the project subject to the Conditions of Approval (COAs). He mentioned that there should be an additional COA requiring a walkway that extends from units one and two out to Bobolink Circle. He provided several corrections to the report including Attachment I, Section 1 correcting the code number referenced to 19.016.050 and correcting the Project Data Table on page 3 to reflect that the existing house is 20 feet instead of 15 feet in height.

Comm. Hungerford asked staff about the proposed deviation of 7.5 feet on the lot width of lots three and four. Mr. Miner clarified that the portion of the lots that are 7.5 feet are the driveway portion.

Vice Chair Sulser asked staff about the proposed building height deviation of three additional feet stemming from the grading of the site. Mr. Miner said it is not the "grading" though this site does have a grade change. He said the lots are leveled out to make the pads, but he could not say whether these lots are higher or lower than the adjacent properties.

Chair Klein asked where the height of the existing building is measured. Mr. Miner clarified that the height of the existing building measures 20 feet from the top of curb.

Chair Klein opened the public hearing.

Omid Shakeri, represented the Ridgecrest Group. He addressed Vice Chair Sulser's question about grading and said that these lots are where the remainder of a farmhouse stood and are lower than other nearby houses. He said the whole block drains down towards these lots and into a drain. He said the only other lots lower are across the street. He said he has been working on this project for about a year resulting in several variations in design and thanked staff for their patience. Mr. Shakeri said the applicant met with the neighbors on several occasions to listen and address their concerns. He said this is not a unique subdivision and that there are other subdivisions with two lots in back and two lots in the front. He said that the proposed homes are about 1900 square feet and are on lots of over 7,000 square feet. He said these are smaller homes for the proposed lot sizes and it is important to retain the proposed four homes for the project or it will not be financially feasible to complete the development. Mr. Shakeri said the applicant has tried to make the design compatible with the neighboring homes and to use high-quality products, as they have done with their other projects completed in Sunnyvale. He said the applicant has two issues of concern, the first being the issue of possibly reducing the number of units to three. He commented that the City's General Plan encourages that the density should not drop below 75% of the allowable density and to reduce the proposed project to three units would drop the density below 75%. He said the City's policy is to provide more affordable housing and three housing units would make the housing prices go up. He said the second issue is regarding traffic which the Traffic Division had no concerns about this location. He said the applicant made changes anyway and revised the plans to include one driveway rather than three to help reduce any impact on traffic.

Comm. Simons asked what the proposed style of architecture is called. Mr. Shakeri said he would call the style contemporary and said that the homes include updated ranch-style features.

Tammy Kummerehl, a resident of Sunnyvale, said that unlike what Mr. Shakeri said that the proposed subdivision would be a unique configuration in this neighborhood. She said any families with elementary age children that may reside in the proposed homes would be in the Stocklmeir School area, which is already overcrowded and that building this subdivision with four homes would cause more traffic and parking issues. She encouraged the Planning Commission to approve three homes rather than the proposed four homes as the lot is almost a 30,000 square foot lot and by subdividing the existing lot into three lots, the lot sizes would be more similar to the neighboring houses.

Comm. Simons asked Ms. Kummerehl if the Planning Commission were to approve three houses rather than four and one of the three lots were larger than the other two, how large of a house would she consider appropriate for the larger lot. Ms. Kummerehl said it would depend on the square footage of the larger lot. She said she would like to keep the Floor Area Ratio (FAR) consistent with the neighborhood, which would be below 40%. Comm. Simons commented that any home in this neighborhood could go up to 45% FAR for a single-story home without a public hearing requirement.

Marissa Kacmarsky, a resident of Sunnyvale, reiterated the same concerns of Ms. Kummerehl, regarding population, traffic and FAR. She acknowledged Comm. Simons comment that this particular neighborhood could go up to 45% FAR, but commented that the neighbors have not chosen to increase the FAR, probably because they like the grass areas and yard space. She said one of her concerns with the new homes proposed is there seems to be less yard space and more concrete, sidewalks, stone and tile roofs. She said that technically there might not be an environmental impact, but that all the materials could increase heat in the summer time. She said she agrees that three homes for this area would be better and that four homes are too many people and too much building into a little space.

Dan Halden, a resident of Sunnyvale, said he shares the same concerns as Ms. Kummerehl and Ms. Kacmarsky. He said that due to overcrowding at the elementary school that his son is unable to attend the local school. He said that traffic is an issue as this particular area is a major egress for the neighborhood. He said in the mornings there are kids going to elementary and high school and there are a lot of cars going through this area. He said currently drivers can see around the corners, but he respectfully disagrees with the traffic staff and feels that the proposed project will cause a traffic impact and become a public safety issue.

Martin Mueller, a resident of Sunnyvale, said he has concerns about traffic with the proposed development. He said if each house had four cars that potentially there could be an additional 16 cars going in and out of one driveway on to a busy street. He said his other concern is the appearance of the neighborhood. He said currently when you enter the neighborhood from Fremont Avenue that you enter an open and inviting neighborhood. He said if four homes are built on the property that a signature corner is being taken away from the neighborhood. He said last year 98 people signed a petition requesting the number of units for the project be reduced from four to three homes. He feels that not much has changed and the concerns of last year are still valid.

Jim Beavers, a resident of Sunnyvale, said in his opinion that this project is a disaster. He said the name of the tract was originally "Country Lane" as there was open space. He said he is also concerned with traffic and feels the Traffic Division has probably not seen this corner during the busy hours. He commented that if he had his choice he would rather not see any houses built, but he could live with two or three.

Sharon Janks, a resident of Sunnyvale, said her concern with the proposed development is the height of the new houses combined with the slope of the property as she lives across the street from the site and her property is lower than the existing property. She shared several photos as examples of the current height of the existing building and said she is concerned about the new homes towering over her home. She said that the new homes would be taller and the front setbacks less so the homes would be closer to the front of the site.

Mary Taffe, a resident of Sunnyvale, asked why this subdivision is being considered for Planned Development (PD) zoning as the developer would only be allowed to put two

houses on the site if it were not PD. She said if the zoning were not being changed she does not think any of the neighbors would have needed to attend this meeting as it seems this is being zoned PD to accommodate the developer and not the neighborhood.

Jerry McComus, a resident of Sunnyvale, said he agrees with everything the neighbors have said this evening and it would be nice if the development could be limited to three houses. He said his biggest concern is about the traffic and mentioned several accidents that he recalls from over the years. He said many drivers in this neighborhood drive excessively over the speed limit.

M. Balakrishnan, a resident of Sunnyvale, said his concerns with this development are that it will negatively impact the traffic and increase parking on the street.

Mr. Shakeri said the applicant would try to lower the grade of the lot as much as possible while maintaining the drainage out to the front of the property. He commented that this lot is on the edge of the neighborhood and should not have a negative impact on this neighborhood. He added that there are several PD zoned lots nearby. He said that reducing the units to three would not have a significant affect on the traffic impact or the configuration of the lot.

Comm. Simons asked staff and the applicant why a PD zone is being requested for this subdivision. Mr. Miner said that in order to put more than two homes on this property the zoning has to be changed to PD to meet the lot width requirements, which allowed the flag-lot configuration, and the height deviation. He said when every aspect of the zoning code requirements cannot be met, a technique used to help meet the requirements is to make the site PD zoned and include in part of the deviations the findings that must be made to make the deviations. **Trudi Ryan**, Planning Officer, added that other flag-lot situations throughout the community have been handled through the PD combining district so the lot configuration could be considered as part of the Special Development Permit that goes with that zoning, or a variance has been granted for the lot width to allow the flagpole portion of the lot.

Mr. Shakeri said the PD zoning is designed for lots like this and if a variance had been applied for that he thinks the findings for the variance could have been met.

Chair Klein closed the public hearing.

Comm. Hungerford commented to staff that clearly the Planning Commission is struggling with this decision. He referred to page nine that lists some Single-Family Design Techniques. He said that some of the guidelines go beyond architecture and asked if the guidelines also include the placement of houses on a lot. Ms. Ryan said yes that the Single-Family Design Techniques include site-planning issues, architectural character issues, details of architecture, height, bulk, architecture of structure, whether the design fits in with the character of the neighborhood, and placement on the site.

Comm. Simons asked staff if color restrictions could be placed in the COAs requiring that staff approve future color changes. Ms. Ryan said yes that color change approval is a common requirement for both retail and residential developments.

Comm. Hungerford moved for Alternative 3 to adopt the Mitigated Negative Declaration and do not introduce an Ordinance to Rezone 574 Bobolink Circle and deny the Special Development Permit and Tentative Map. The motion died due to lack of a second.

Comm. Ghaffary referred to the findings in Attachment A and asked staff if they were able to make all of the findings to approve the project. Mr. Miner said that staff determined that the findings can be made. Comm. Ghaffary commented that there are other PD areas in the neighborhood and asked if this PD is this more detrimental to the neighborhood than the other PD areas. Ms. Ryan said that is a judgment call of the Commission. She said that this proposed PD area has different underlying zoning (R-0) than some of the other nearby PDs (R-2). She referred to page two of the report and said that this is the only proposed PD lot in this area south of Fremont Avenue that would be a PD with R-0 zoning. Comm. Ghaffary and staff further discussed other PDs in the area determining that the underlying zoning on this project is more similar to the adjacent properties than some other PD zones in the city.

Comm. Simons asked staff if the Commission could specify the maximum from the curb that the grade could be reduced. Ms. Ryan said that it is possible that the Commission could make that decision, but that she felt that the Commission probably does not have the information tonight to make that call. She said that instead the height of the structure could be addressed instead of the grade. Ms. Ryan said one of the reasons staff measures from the curb is so adjacent property owners are not surprised if grading occurred. She said the Commission could specify that the house could be no more than a certain number of feet from the existing grade, which gives some definition and specifications to the neighbors as to what they can expect. Comm. Simons asked if the present heights of the structures are based on a zero grade change. Ms. Ryan said that essentially, there is not a big grade change and the proposed buildings in the rear lots would be at a similar elevation to the existing house.

Comm. Babcock asked staff what the zoning is for homes on Avoset and Aguila Terraces. Ms. Ryan said those areas are zoned R-2 and are smaller lots with considerably higher FAR than what is seen in the rest of the neighborhood. Comm. Babcock and staff discussed several other properties and their zoning in the neighborhood.

Comm. Simons moved for Alternative 2 to adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 574 Bobolink Circle from R-0/S to R-0/PD/S and approve the Special Development Permit and Tentative Map with modified conditions: to include staff's recommendation for the walkways for units one and two going out to Bobolink Circle; to have no grade change or to reduce the grade a foot or two; to add a COA requiring approval by staff of any future housing

color changes for the PD plan; to add COA 5.J that the trees planted be mature, large species trees as appropriate for placement on the site. Comm. Babcock seconded. She asked for a Friendly Amendment that part of Comm. Simons' motion regarding grade change be worded that the staff and the applicant work together in an attempt to reduce the grade. Comm. Simons suggested that the wording include the guarantee that the grade not be increased and that the applicant and staff work toward reducing the grade. Comm. Babcock agreed to the suggestion. Ms. Ryan asked if Comm. Simons and Comm. Babcock were saying that the finished floor not be any higher than the **existing** finished floor and if possible the floor should be lower. Comm. Simons said that is correct. Ms. Ryan added that the two houses closer to Bobolink will be lower per the grading plan.

Chair Klein asked if it would it help to list the height of each unit on a per house bases. Ms. Ryan said there is a grading plan with the Tentative Map and asked if the wording should include **that the grades would be no higher than the grading plan with the Tentative Map, that there would be no modifications to the grading plans that would result in a higher finished floor and would also encourage lower grades for the finished floor if possible. Comm. Simons and Comm. Babcock agreed to Ms. Ryan's suggestion for the wording regarding the grading.**

Comm. Simons said in the study session that he had encouraged a three-house design with a larger house in the back which would allow the large tree to remain. He said though, that as a Planning Commissioner there are findings that need to be met or not met. He said he is able to make the findings on this project. He commented that he would be recommending a study issue item or a recommendation to staff and City Council regarding this issue. He said that the four proposed homes are modest in size and are on nice size lots. He said he has seen modifications to homes with increases from 500 to 2000 square feet and that many of these larger increases can be approved by staff without a public hearing.

Comm. Babcock said she also had encouraged a three-house design at the study session, but also said she is able to make the findings. She said that over time this subdivision and house design would fit into the neighborhood. She said she feels four houses should have a minimal impact to the neighborhood and that this is a nice, quiet single-family neighborhood.

Comm. Hungerford said he is not able to make the findings and cannot support the motion. He said that this orientation does not fit into this neighborhood and he does not feel that this subdivision meets the basic design principal in Attachment A, page 1, "2.21 Reinforce prevailing neighborhood home orientation and entry patterns." He said he recalls approving similar subdivisions in the past, but they were all in neighborhoods where other similar subdivisions already existed. He said this would be the first time in this neighborhood where a subdivision like this would be allowed and he feels it does not fit with the character and orientation of neighborhood.

Chair Klein said he would be supporting the motion. He said he had some of the same concerns as Comm. Hungerford, but based on the size of the lots, the findings, and the changes the developer has made to the project since the Planning Commission first reviewed this that he can support the motion. He said even with the subdivision that the homes are still being built on relatively large lots. **He offered a Friendly Amendment to accept the corrections Mr. Miner made to the report and COAs including Attachment I, Section 1 correcting the code number referenced to 19.016.050 and the Project Data Table on page 3 showing the current house being 15 feet in height when it is actually 20 feet. The Friendly Amendment was accepted by the maker and seconder of the motion.**

ACTION: Comm. Simons made a motion on 2005-0106 to adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 574 Bobolink Circle from R-0/S to R-0/PD/S and approve the Special Development Permit and Tentative Map with modified conditions: to add a COA that walkways be added for units one and two going out to Bobolink Circle; to add a COA that the grades would be no higher than the grading plan with the Tentative Map, that there would be no modifications to the grading plans that would result in a higher finished floor than the existing home and that staff would work to help lower the grade of the finished floor if possible; to add a COA requiring approval by staff of any future housing color changes for the PD plan; to add COA 5.J that the trees planted be mature, large species trees as appropriate for placement on the site; to modify the report Attachment I, Section 1 correcting the code number referenced to 19.016.050 and the Project Data Table on page 3 showing the current house being 15 feet in height when it is actually 20 feet. Comm. Babcock seconded. Motion carried, 5-1-1, Comm. Hungerford dissenting, Comm. Rowe recused herself.

APPEAL OPTIONS: This item is scheduled to be heard by City Council at the September 26, 2006 meeting.

Comm. Simons commented that he feels this neighborhood has a traffic issue regardless of whether four houses are built on this site or no houses. He said if there is a request for a traffic calming study from this neighborhood that he recommends to staff and City Council for the prioritization of that request by placing the request toward or at the top of the prioritization list. Ms. Ryan said that this recommendation would be forwarded to the appropriate staff to determine if the neighborhood meets the threshold or if there is any neighborhood interest.